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ABSTRACT

In a statement issued to the American Psychological Association Task Force on the Rights of Children and Youth the speaker addresses the issue of corporal punishment of children in the schools. He offers personal views on the issues of the use of corporal punishment, and poses three suggestions for consideration: (1) opposition to corporal punishment is a value position based on moral considerations and a particular ideal of human behavior; (2) corporal punishment is generally an inherent part of our school serving education objectives related to socialization and conformity; and (3) a legal or regulatory approach to corporal punishment is likely to impede both learning and human contact in the schools. (YRJ)

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Statement of Eugene S. Mornell
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American Psychological Association
Task Force on the Rights of Children and Youth

Open Forum: Corporal Punishment of Children in the Schools

Washington, D. C.
September 4, 1976

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I am Eugene S. Mornell, Special Assistant to the Staff Director of the United States Commission on Civil Rights.

The Commission is an independent Federal research agency without enforcement powers of any kind. It is charged with investigating denials of the equal protection of the law based on race, color, religion, national origin, or sex. (The Commission is currently conducting a study of age discrimination as well, as the result of a recent Congressional request.) The Commission submits its reports, findings, and recommendations to the President and the Congress, and its publications are available to all interested persons.

The Commission has not completed any study of corporal punishment in the schools, and thus it has no official position specifically on this issue. However, our studies of equal educational opportunity and school desegregation tend to confirm other reports that black pupils and pupils from families of Spanish heritage are disproportionately the subjects of adverse discipline in the schools. Consequently, our present position is

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simply that any disciplinary action, including corporal punishment, should not impact unequally and unfairly upon any group.

Unfortunately, this position does not address the immediate interests of the Task Force, and so I am presenting the following comments as an individual rather than as a representative of the Commission.

Why is it that in the relevant research literature corporal punishment is reported to be an ineffective means of controlling behavior, provide no guide to alternative courses of action, produce poorly functioning children, stimulate aggression and delinquency, and have a detrimental effect on the learning process -- and yet the practice is maintained? Why is it that in this literature the opposition to corporal punishment is virtually unanimous -- and yet the practice is maintained? Why is it that corporal punishment seems so outdated and obviously "wrong" to so many of us -- and yet the practice is maintained?

The answers that we frequently hear often go something like this: 1) School officials, teachers, parents, the public, and the courts are unaware of these research findings; if we can effectively inform and educate them, corporal punishment will be abandoned, either voluntarily in individual school systems or more generally as a consequence of legal sanction. 2) There is always a time lag between the accumulation of knowledge and its implementation in educational practices or legal decisions; we must continue to present the facts, and legal arguments based on them, assuming that change inevitably will result. 3) Punishment reinforces the punisher and gives satisfaction as retribution; if we can help parents and teachers to

handle discipline problems in other ways, we will lessen frustration and the need for retribution.

I have a somewhat different view of the problem, however, based on my own work and experience, and it is this view that I would like to present to you. (Please understand that I am not proposing we abandon the courses now being pursued, those of traditional research, education, and legal argument, for I certainly am not sure that there is any one right path to what I assume is our common goal, the elimination of corporal punishment.)

First, I suggest that corporal punishment in the schools is primarily a question of values, not social science. Therefore, decisions affecting corporal punishment should rest on moral grounds, rather than scientific research, regardless of research findings.

I think that the example of school desegregation is appropriate here. It is noteworthy that both slavery and segregation were justified with scientific arguments over a considerable period of time, and much of that justification is not completely absent even among prominent scientists today. However, Brown v. Board of Education, the Supreme Court's 1954 school desegregation decision, included an appendix containing social science findings on the harmful effects of segregation on black children, and there are many who would argue that the Brown decision was based on these findings. Yet, if the decision was founded on this "factual showing of demonstrable injury" to black children, then it is susceptible to reversal if the facts someday are overturned. In other words, if black children in black schools

should demonstrate positive self-image and substantial educational achievement, segregation would be justified.

Thus, in terms of corporal punishment, if we now argue that this form of discipline should be abolished because it limits educational achievement and does not control undesired behavior, and if we later find that it does not have these effects, our argument becomes useless. Are we so confident, in fact, that corporal punishment is so detrimental in these specific ways? More important, are the consequences of corporal punishment in regard to test scores and behavior control our primary reason for wishing to eliminate it? Put simply, if children learned more and behaved more properly as a result of corporal punishment, would this justify beating them more often?

Second, just as the school has been used as an essential instrument of socialization in society, so corporal punishment has been used as an essential instrument of socialization in the school. In other words, corporal punishment is not an aberration that runs counter to the purposes of education, but rather corporal punishment has been considered necesary to reach basic educational objectives relating to the development of social character and social conformity. Therefore, if we wish to eliminate corporal punishment, we will have to deal with it in the context of the school system and the models of being human that our society holds up through the schooling process.

"In order that any society may function well, its members must acquire the kind of character that makes them <u>want</u> to act in the way they <u>have</u> to act as members of the society or of a special class within it." As

a result, children are educated to perform the kinds of roles expected of them, and much of this is accomplished through organizational structure, institutional practice, and staff behavior in the schools. If teachers are generally "inflexible, unbending, conservative, with an abnormal concern about status," as studies indicate, pupils presumably will take on these qualities. If teachers and administrators are aggressive and punitive, pupils presumably will emulate them. And this occurs because our society wishes it to occur.

The problem here is the extent to which social scientists may be thwarted in their efforts to deal with corporal punishment by viewing it as a deviation, an irrational behavior, and a matter only of individual psychology, rather than viewing it as but one aspect of calculated efforts at socialization, coercion, and control, a "rational" means to a specific end, and part of a broader social picture. This, of course, means that if we wish to eliminate corporal punishment and other forms of school violence, we will have to concern ourselves with these other issues, with root causes rather than just with symptoms.

Third, I believe that much in our recent approach to education and children's issues -- particularly an emphasis on legal rights, legal processes, specialization and depersonalization -- has produced unintended harmful consequences that have a bearing on corporal punishment. It is difficult to quarrel with the view that practices and behaviors resulting in the abuse of children should be restrained and abolished, but to what extent have we examined the ways in which our protective actions exacerbate other abuses or prevent their elimination?

As an example, let me briefly describe a problem of intergroup conflict in the schools. Many teachers in racially mixed schools avoid dealing with student misbehavior: absenteeism, tardiness, "floating" on the campus and in the halls, physical intimidation, and overt aggression. This is especially true when black students are involved. Often the teachers' avoidance is due to apathy, guilt, fear, or a belief that the teachers' responsibility does not extend outside of the classroom. The teachers are supported in this behavior, however, by union contracts, legal requirements, and school organization; the assistant principal or dean very often is the "official" disciplinarian, supported by a variety of constraints and laws.

What is the result? The students know that their own actions are wrong, but they are seldom confronted for relatively minor offenses. They then view the teachers' avoidance as a lack of concern, caring, personal interest. When the number of offenses builds up (and the students become known as "troublemakers"), or when a serious offense occurs, drastic penalties are imposed without prior warning: corporal punishment (often meaning "swats" under legally prescribed conditions), suspension, or expulsion. Since this does not happen as frequently to white students, who generally are confronted earlier, it permits whites to allege that "blacks get away with everything" and blacks to allege that their own punishment is more severe. And both are correct.

What is the solution in this situation: more requirements, regulations, and prescribed procedures, which have the effect of making punishment and

retribution more "rational," or other ways to develop conditions under which, as the students put it, "teachers care"?

In summary, I have been trying to make three suggestions for consideration by the Task Force as it proceeds to deal with corporal punishment in the schools:

1. Opposition to corporal punishment is a value position that is based on moral considerations and a particular ideal of human behavior. Although research findings may be used to justify this position, they also may be used to justify a contrary view, and they should not be presented as the foundation of this position. Let us express our position and the reasons for it clearly, use traditional research insofar as feasible, and also seek other kinds of research and scholarship related to the development of human values and change in these values.

2. Corporal punishment is generally an inherent part of our school system and serves educational objectives related to socialization and conformity. Efforts to eliminate corporal punishment should not be divorced from efforts to redefine these educational objectives and change the nature of relationships presently desired and used in the schools. It is likely, of course, that these efforts, in turn, will require efforts to deal with broader social goals and the place of coercion and violence in the national culture and character. Corporal punishment in the schools cannot be separated from "the way we live."

3. A purely legal or regulatory approach to the schools and corporal punishment is likely to increase the depersonalization, procedural emphasis, and lack of feeling that presently constitute an impediment to both learning

and human contact in the schools. The essential problems in the schools are of purpose, organization, and interpersonal relationships, and the solution of these problems ultimately is not legal, political, or even technical, despite its treatment in this way by many of our colleagues.